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In re Application of  
Fraser C. Henderson et al.  
Application No. 10/682,376  
Filed: October 9, 2003  
Atty's Docket No. 325-11

OFFICE OF PETITIONS  
ON PETITION

This is a decision on the paper filed March 15, 2004 styled "Petition For Acceptance of Application As Complete", which is treated under 37 CFR 1.182, in response to the Notice To File Missing Parts mailed January 15, 2004.

The application was filed October 9, 2003. However, on January 15, 2004, the Office of Initial Patent Examination mailed a Notice To File Missing Parts noting that the filing fee and oath or declaration were missing. Receipt of the filing fees and the oath or declaration were submitted March 15, 2004 but, the Notice also indicated that while the application had been accorded a filing date of October 9, 2003, Figure 10 described in the specification appeared to have been omitted.

Petitioner asserts that the paper containing Figure 10 was among the papers filed on October 9, 2003, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. A review of the official file reveals that only ten (10) sheets of drawings are accounted for. However, the postcard receipt, identifies the application and acknowledges, *inter alia*, the number of drawing sheets to be eleven (11) and bears a United States Patent and Trademark Office date-stamp of October 9, 2003. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

In view of the foregoing, the petition is **Granted**. The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, the petition fee in the amount of \$130.00 will be refunded to the petitioner as requested.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on October 9, 2003 and the one drawing sheet containing Figure 10 submitted on petition March 15, 2004.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball

Senior Petitions Attorney  
Office of Petitions